

REMARKS

Applicants reserve the right to prosecute the subject matter of the non-elected claims in a divisional application, if such subject matter is not ultimately granted here.

Regarding the traversal, Applicants respectfully request the Examiner reconsider and withdraw the requirement for restriction. Applicants refer the Examiner to MPEP §803 which recites in part: "There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent * * * or distinct as claimed * * *; and
- (2) There must be a serious burden on the examiner if restriction is not required * * *. [All emphasis added.]"

Consequently, the Examiner's authority to insist upon restriction only extends to those situations where the failure to insist upon restriction would subject the Examiner to serious burden.

On the present record, the Examiner has not established that the examination of neither Groups I and II, nor species a) or b) would subject the Examiner to a serious search burden. With respect to Groups I and II, applicants respectfully submit that because the process of Group II is used to make the product of Group I, there is no serious search burden. Moreover, with regard to species a) and b) within both Groups I

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and II, applicants further submit that it would not be a burden to search all molecular weight polypropylene glycols, not simply to certain polypropylene glycols having a molar mass of above 1000 or, in the alternative, below 1000.

Based on the foregoing reasons, applicants respectfully request that the restriction be withdrawn.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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